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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,853	01/30/2004	Hiroki Hayashi	00684.003576.	4134
5514	7590	11/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			VO, ANH T N	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2861	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten mark]

Office Action Summary	Application No.	Applicant(s)	
	10/766,853	HAYASHI ET AL.	
	Examiner	Art Unit	
	Anh T.N. Vo	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/2005</u> | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The references cited on the PTOL 1449 form have been considered.

Drawings Object to

The drawings are objected to in that Figures 9-11 should be labeled as --Prior Art--.

Correction is required.

Claim Objections

Claims 2 and 8 are objected to because of the following informalities:

- * In claim 1, on line 6, --said-- should be inserted after "and".
- * In claim 2, on line 1, the number "2" should be changed to --1--.
- * In claim 8, on line 1, --according to claim 7-- should be inserted after "holder".

Appropriate correction is required.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7 and 11 and are rejected under 35 USC 102 (e) as being anticipated by Hanson et al. (US Pat. 6,755,516).

Hanson et al. disclose in Figures 1-9c an ink container for an ink jet printer comprising:

- a container body (34) for containing liquid and including a front side engaging portion (72) and a rear side engaging portion (82) for engagement with the container holder (14), said front side engaging portion (72) and rear side engaging portion (82) being disposed at a leading side and a trailing side, respectively with respect to an inserting direction of a container (12) into the container holder (14) (Figures 5b and 7a-7c);
- a projection (42), provided on only one of lateral sides of said container body which extend parallel with the inserting direction, for being guided, when said container (12) is mounted to the container holder (14), along an upper end of a guide wall (46) provided in the container holder (14) while the other lateral side is being limited by an inner surface of the container holder (14), and said container (12) is being rotated substantially about said front side engaging portion (72) (Figures 4 and 7a-7c);
- wherein said container holder (14) having a plurality of mounting portions (56, 58), and a width A of said liquid container (12) measured between the substantially parallel lateral surfaces which are substantially parallel with the inserting direction when said liquid container (12) is mounted to said container holder (14), a distance B between inner surfaces of the container mounting portion (56 or 58) opposed to said lateral surfaces of said liquid container, respectively, a height

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C of said projection, and a width D of the upper end of said guide wall, satisfy: $D > C > (B - A)$ (.

- wherein said projection (42) is disposed at the leading side (72) (Figure 5b);
- wherein a bottom surface (76) of said container (12) is provided with a liquid supply opening (88) for permitting supply of the liquid into said container (12) (Figure 6);
- wherein a bottom surface (76) of said container (12) is provided with a plurality of said liquid supply openings (88, Figures 5d) which are arranged on a line connecting centers of said front side engaging portion (72) and said rear side engaging portion (82) and which are disposed offset toward said one of the lateral sides having said projection (42) (Figures 2-4 and 5d);
- an elastically displaceable operation lever (30) which elastically displaces when said container is mounted to or demounted from the container holder (14), wherein at least one of said front side engaging portion (72) and said rear side engaging portion (82) is formed into said operation lever (30) (Figures 7a-7c);
- a container holder (14) comprising a front side portion (66) to be engaged and a rear side portion (an unmarked rear wall that contains an element 50) to be engaged which are for being engaged with a front side (72) and a rear side (82) of said liquid container (12) with respect to an inserting direction (Figure 7a);
- wherein said container mounting portion (14) is including a guide wall (46) for guiding along an upper end a projection (46) provided on one of lateral sides of said liquid container (12) which are parallel with the inserting direction when said liquid container (12) is mounted, said guide wall (46) being provided only on one of lateral sides of said container mounting portion (14), and wherein when said liquid container (12) is mounted to said container holder (14), the other lateral side of said liquid container is limited by an inner surface of said container mounting portion, and said liquid container is rotated substantially about a neighborhood of said front portion to be engaged (Figures 4-7c);
- wherein said guide wall (46) functions also as a partition wall (a wall 46 is located between elements 56 and 58 of the holder or station 14) for providing a partition between adjacent ones of container mounting portions (14) (Figure 4);
- wherein the upper end of said guide wall (46) is configured such that position of said liquid container (12) is lowered with respect to a bottom surface of said container mounting portion

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(58) (Figure 4 and 7a-7c);

- a recording head (16) for ejecting the liquid (Figure 2); and
- a plurality of liquid containers (12) containing liquid to be supplied into said recording head (16) (Figures 2-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 and 8-10 are rejected under 35 USC 103 (a) as being unpatentable Hanson et al. (US Pat. 6,755,516).

Hanson et al. disclose the basic features of the claimed invention was stated above but do not disclose “said container holder having a plurality of mounting portions, and a width A of said liquid container measured between the substantially parallel lateral surfaces which are substantially parallel with the inserting direction when said liquid container is mounted to said container holder, a distance B between inner surfaces of the container mounting portion opposed to said lateral surfaces of said liquid container, respectively, a height C of said projection, and a width D of the upper end of said guide wall, satisfy: $D > C > (B - A)$ ”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount detachably an ink cartridge to an ink cartridge holder by selecting their desired dimensions to satisfy: $D > C > (B - A)$ ” for the purpose of reducing the size of an ink jet printer, since it is a mechanical design expedient for an engineer depending upon a particular environment and the applications in which the ink cartridge and the cartridge holder are to be used.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art (US Pat. 5,359,357; US Pat. 6,250,750; US Pat. 6,471,334) cited in the PTO 892 form show an ink jet printer that is deemed to be relevant to the present invention. These references should be reviewed.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.. The fax number of this Group 2861 is (571) 273-8300.



ANH T. N. VO
PRIMARY EXAMINER

November 21, 2005